



Inspection of records

It is a condition of approval and continued approval for Child Care Benefit (CCB) purposes that services must comply with Family Assistance Law.

Child care service record keeping obligations are governed by sections 219F and 219G of the *A New Tax System (Family Assistance) (Administration) Act 1999* (the Act) and are detailed in the associated statutory rules, *A New Tax System (Family Assistance) (Administration) (Child Care Benefit—Record Keeping) Rules 2006* (the Rules). More information may also be found in Instruction sheet 2.

Failure to meet these obligations is a criminal offence and may incur a penalty of up to \$6 600 for an individual and up to \$33 000 for a body corporate. Financial penalties under the civil penalty and infringement notice scheme may also be imposed (see Instruction sheet 7 for more information about the Civil Penalty and Infringement Notice Scheme). A service that does not comply with its obligations may also be sanctioned under the Act.

Inspection of records under the Act

Section 219K of the Act contains a power for an authorised officer to enter premises of an approved child care service, with consent, for the purposes of inspecting documents required to be kept by a service.

An authorised officer will not enter the premises without consent, and will leave if the occupier, or another person who apparently represents the occupier, asks them to do so.

However, approved child care services have a responsibility under subsection 196(2A) of the Act to cooperate with a person exercising powers under section 219K. A service that refuses consent to the entry of an authorised officer or withdraws consent is not complying with that responsibility. This can result in a sanction being imposed on the service under section 200 of the Act. Sanctions can include suspension or cancellation of a service's approval for CCB purposes.

An authorised officer may also enter the premises of the former operator of an approved child service, with consent, for the purpose of inspecting records that relate to the former operator's service.

Under section 219L of the Act, it is an offence for a person to:

- Fail to produce to an authorised officer or any other person assisting the authorised officer the records provided for in the Rules. *(A maximum penalty of \$6 600 for an individual and \$33 000 for a body corporate may apply. Infringement notices and/or civil penalties may also apply).*
- Fail to assist the officer with all reasonable facilities and assistance for the effective exercise of the officer's powers to inspect records. *(A maximum penalty of \$1 100 for an individual and \$5 500 for a body corporate may apply. Infringement notices and/or civil penalties may also apply).*